

Notice of Allowability

Application No.

09/788,104

Examiner

Russell Frejd

Applicant(s)

KODOSKY ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's RCE and IDS received 21-October-2004.
2. ☒ The allowed claim(s) is/are 1-133.
3. ☒ The drawings filed on 16 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10.21.04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

RUSSELL FREJD
RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: Kodosky et al.

Allowance of Application # 09/788,104

1. The following communication is in response to applicant's RCE and IDS received on 21-October-2004. This application is a CON of 08/912,427, filed on 18-August-1997, now U.S. Patent No. 6,219,628.

Reasons for Allowance

2. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the inventions described in the related prior art, and specifically the invention in U.S. Patent No. 6,226,776 to Panchul et al., the improvement comprising a system and method for configuring a device to perform a measurement function, wherein: a graphical program, which includes a block diagram, is created to implement a measurement function; a hardware description based on the block diagram is generated for describing a hardware implementation of the block diagram; a programmable hardware element in the device is configured with the hardware description to produce a configured hardware element which implements a hardware implementation of the block diagram; the device acquires a signal from an external source; and the configured hardware element in the device executes a measurement function on the signal. This patentable distinction is included in each of the independent claims 1, 35, 36, 65, 72, 100 and 126. The art of record, either individually or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <configured hardware element which implements a hardware implementation of a block diagram to execute a measurement function on an acquired signal> having the corresponding structure which is disclosed in the specification

In re Application of: Kodosky et al.

and equivalents thereof at least at page 13, line 2 through page 51, line 15, and Figures 1-19. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

Response Guidelines

3. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled ☐Comments on Statement of Reasons for Allowance☐.

4. Any response to the Examiner in regard to this allowance should be

directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780. Any inquiry of a general nature should be directed to the TC 2100 receptionist, (571) 272-2100.

mailed to: Commissioner of Patents and Trademarks
P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Date: 17-March-2005

Russell Frejd

RUSSELL FREJD
PRIMARY EXAMINER